



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office 07/325,690  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/325,690	03/20/89	VOLBRECHT	A

DONALD L. OTTO  
RENNER, OTTO, BOISSELLE & SKLAR  
ONE PUBLIC SQUARE - 12TH FLOOR  
CLEVELAND, OH 44113

EXAMINER	
YASICH, D	
ART UNIT	PAPER NUMBER
246	

DATE MAILED: 06/05/89

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.       | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-27 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☒ Claims 1-27 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable;  
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_  
has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However,  
the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are  
corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO  
EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in  
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

15. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, drawn to a temperature sensing transducer in a metal tube, classified in Class 374, subclass 163.

II. Claims 16-27, drawn to a method of manufacturing a temperature sensing transducer in a metal tube, classified in Class 29, subclass 595.

16. The inventions are distinct, each from the other, because of the following reasons:

17. Inventions I and II are related as apparatus and product made.

Inventions in this relationship are distinct if either (1) the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product, or (2) the product as claimed can be made by another and materially different apparatus. MPEP 806.05(g).

In this case, the insulation material covering the wires in the metal tube in the Group I invention does not have to be compacted in the sequence as called for by the claims of the Group II invention, in which the metal tube is placed over the insulation material and compacted by the step of reducing the diameter of the tube. The compacted insulation material and the metal tube covering the insulation material in the Group I invention could be practiced by hand.

18. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter restriction for examination purposes as indicated

Serial No. 325690

-3-

Art Unit 246

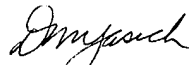
is proper.

19. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed.

Yasich-org

(703) 557-2900

5/25/89

  
DANIEL M. YASICH  
PRIMARY EXAMINER  
ART UNIT 246